STATE OF ILLINOIS HUMAN RIGHTS COMMISSION

IN THE MATTER OF:)		
LYNN P. SCHROEDER,)		
Complainant,))) Cha	orgo No :	2004054463
and) EEC	•	2004CF1463 21BA40507 04-430
EMPOWER, INC.,) ALS) NU	04-430
Respondent.)		

RECOMMENDED ORDER AND DECISION

On October 22, 2004, the Illinois Department of Human Rights filed a complaint on behalf of Complainant, Lynn P. Schroeder. That complaint alleged that Respondent, Empower, Inc., sexually harassed Complainant.

This matter now comes on to be heard on Respondent's Motion to Dismiss Complaint of Civil Rights Violation. Although the motion was served by mail on Complainant, she failed to file any written response or to appear at the hearing on the motion. The matter is ready for decision.

FINDINGS OF FACT

The following facts were derived from the record file in this matter.

- 1. The initial status hearing in this case was scheduled for December 7, 2004. Complainant did not appear at the scheduled time. Respondent appeared by counsel and, at Respondent's request, an initial discovery schedule was set. A new status date was set for March 1, 2005. Respondent served a copy of the December 7 order on Complainant's counsel.
- Complainant did not appear at the March 1, 2005 status. Respondent appeared by counsel and was given leave to file a motion to dismiss. Respondent served a copy of the March 1 order on Complainant's counsel.

- 3. Respondent mailed its motion to dismiss to Complainant and to the Illinois Department of Human Rights on March 29, 2005. The motion was set for hearing on April 5, 2005.
- 4. Complainant did not appear on April 5 for the scheduled hearing on Respondent's motion to dismiss.
 - 5. Complainant has not filed any written response to the motion to dismiss.

CONCLUSIONS OF LAW

- 1. Complainant's failure to appear for scheduled status hearings has unreasonably delayed the proceedings in this matter.
- 2. In light of Complainant's apparent abandonment of her claim, it is appropriate to dismiss this matter with prejudice.

DISCUSSION

Complainant has taken absolutely no action to prosecute this matter since it was filed. Without explanation, she missed the initial status in this case, a second scheduled status, and a hearing on a motion to dismiss her claim. Her inaction has unreasonably delayed the proceedings in this matter.

For reasons unknown, it appears that Complainant has simply abandoned her claim. As a result, it is appropriate to dismiss her claim with prejudice. See **Leonard and Solid Matter**, **Inc.**, ___ III. HRC Rep. ___, (1989CN3091, August 25, 1992).

RECOMMENDATION

Based upon the foregoing, it appears that Complainant has abandoned her claim.

Accordingly, it is recommended that the complaint in this matter be dismissed with prejudice.

HUMAN RIGHTS COMMISSION

BY:_____ MICHAEL J. EVANS ADMINISTRATIVE LAW JUDGE

ADMINISTRATIVE LAW SECTION

ENTERED: April 6, 2005